
DIGEST

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Morris

HB No. 1486

Abstract: Authorizes cooperative endeavor agreements for the withdrawal of running surface water.

Proposed law authorizes a person or entity to enter into a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state authorized in present law to enter such agreements or with the secretary of the Dept. of Natural Resources.

Proposed law provides that proposed law shall not effect the rights of riparian owners in present law.

Proposed law requires that a cooperative endeavor agreement to withdraw running surface water with an agency or subdivision of the state shall be in writing, for fair market value, in the public interest, on a form prescribed by the State Mineral and Energy Board, and approved by the attorney general and the secretary of the Dept. of Natural Resources.

Proposed law authorizes the secretary of the Dept. of Natural Resources to enter into cooperative endeavor agreement to withdraw running surface water and requires such agreements to be in writing and for fair market value.

Proposed law requires the secretary to evaluate such agreements that each is in the public interest and consider whether the agreement is based on good management practices and sound science and consistent with present law requirement of balancing environmental and ecological impacts with economic and social benefits. He must also consider the effects on sustainability of the water body and on navigation. Applications for such cooperative endeavor agreement shall be evaluated and action taken within 60 days of the application being deemed complete.

Proposed law requires any assignment of agreements entered into pursuant to proposed law must be approved by the secretary.

Proposed law authorizes the secretary to reduce or terminate withdrawals otherwise agreed to in order to protect the resource and maintain sustainability.

Proposed law requires the secretary to consider existing users in approving or making changes to an application and prioritizes the such users as human consumption, agricultural uses, and finally, commercial and industrial uses.

Proposed law provides such agreements shall be consistent with integrated coastal protection, and approval of agreements does not remove the necessity to obtain permits required by present law.

Proposed law places the management and monitoring the implementation of these agreement within the Dept. of Natural Resources.

Proposed law provides proposed law is not codifying, confirming, or ratifying; or overruling, nullifying, or rejecting the statements of law contained in the Memorandum to All State Surface Water Managers from the State Of Louisiana, Office of the Attorney General, and secretary of the Department of Natural Resources dated Feb. 5, 2010, and also in Attorney General opinions, 08-0176, 09-0028, 09-0066 and 09-0291.

Proposed law sunsets after Dec. 31, 2012.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 30:961-963)